

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Criminal Chief

SUSAN KNIGHT (CABN 209013)
HANLEY CHEW (CABN 189985)
Assistant United States Attorneys

150 Almaden Blvd., Suite 900
San Jose, California 95113
Telephone: (408) 535-5061
FAX: (408) 535-5066
E-Mail: Susan.Knight@usdoj.gov
Hanley.Chew@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
DAVID FOLEY,)
)
Defendant.)

No. CR 11-00554 EJD
Related Case: CR 09-00670 EJD
STIPULATION AND ~~PROPOSED~~ ORDER CONVERTING DATE FOR EVIDENTIARY HEARING INTO STATUS HEARING
SAN JOSE VENUE

The undersigned parties respectfully request that the evidentiary hearing currently set for April 30, 2012 at 1:30 p.m. be converted to a status hearing. The Court scheduled the evidentiary hearing in order to determine the loss in the above-captioned matter for purposes of determining the appropriate sentencing guideline range. Assistant United States Attorneys Susan Knight and Hanley Chew have recently taken over the case, and have conferred with Benjamin Singer about attempting to reach an agreement regarding a loss amount. Therefore, the parties request that the April 30th hearing be scheduled as a status hearing. The parties also request that the Court refer the parties to the Honorable Nathanael Cousins, United States Magistrate Judge, for a settlement

1 conference regarding the loss amount for purposes of determining a guideline range. If the
2 parties are unable to reach an agreement, the parties will request that the Court schedule an
3 evidentiary hearing. The parties have contacted Probation Officer Benjamin Flores and informed
4 him about the request.

5 SO STIPULATED:

MELINDA HAAG
United States Attorney

6
7 DATED: 4/9/12

/s/
SUSAN KNIGHT
HANLEY CHEW
Assistant United States Attorneys

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9
10 DATED: 4/19/12

/s/
BENJAMIN LABAN SINGER
Counsel for Mr. Foley

11
12
13 **ORDER**

14 Accordingly, for good cause shown, the Court HEREBY ORDERS that the evidentiary
15 hearing scheduled for April 30, 2012 is converted to a status hearing. at 1:30 PM

16 The parties shall contact the Magistrate Judge Nathanael Cousins to schedule a settlement
17 conference.

18 SO ORDERED.

19
20 DATED: April 11, 2012


EDWARD J. DAVILA
United States District Judge